

# Sumter City-County Board of Zoning Appeals

February 8, 2012

**BOA-12-02, 7 Cheyne Street**  
**(City)**

The applicant is requesting a variance from the side setback requirement of 8 feet to allow a mobile home to sit 6 feet 4 inches from the side property line per the City Zoning Ordinance, Article 3, Section D, Exhibit 2 Development Standards for General Residential Zoning District.



Appeals - Variance - Special Exception

# Sumter City-County Board of Appeals

February 8, 2012

## BOA-12-02, 7 Cheyne St. (City)

### I. THE REQUEST

**Applicant:** The Youth Academy, Inc.

**Status of the Applicant:** Property Owner

**Request:** A side setback variance from the required setback of 8 feet for location of existing mobile home.

**Location:** 7 Cheyne Street

**Present Use/Zoning:** Residential / GR

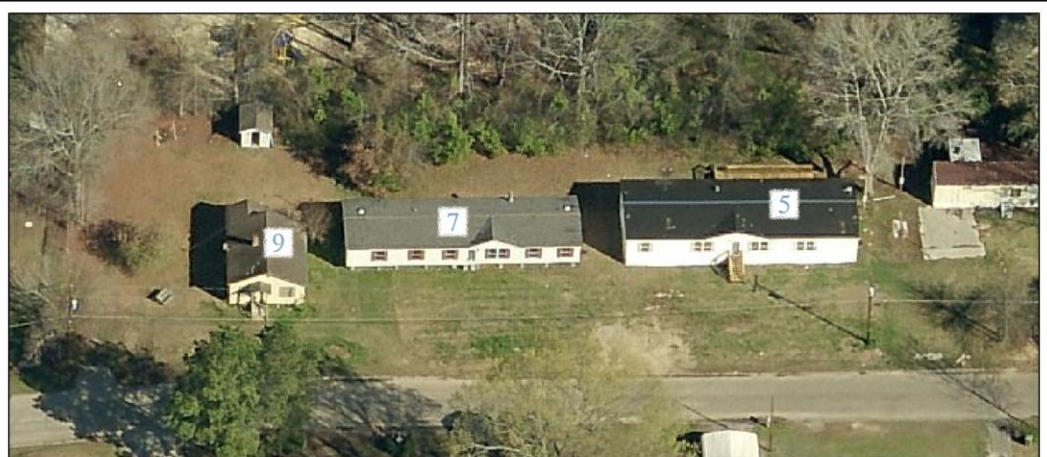
**Tax Map Reference:** 250-06-08-009

### II. BACKGROUND

The applicant, The Youth Academy, Inc. is requesting a side setback variance of 1 ft. 8 in. to allow for the completion of the mobile home certification/set-up and inspection process for a mobile home currently sited at 7 Cheyne St.

As shown in the graphic to the right, there is currently a double-wide manufactured home on the property. This home was placed on the

property sometime prior to March 12, 2011 without any permits or prior approvals. In May of 2011 representatives for the property owner came to the Planning Department to permit a home at 5 Cheyne St. At time of inspections, it was discovered that there was also a home sited at 7



*Pictured Above:* 2011 Pictometry showing the spatial relationship between 5, 7, & 9 Cheyne St.

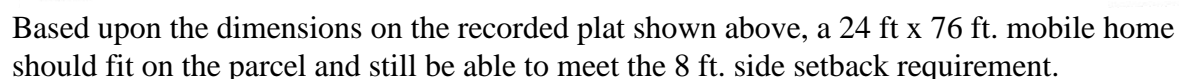


*Pictured Below:* 7 Cheyne St. – the red dotted line represents the location of the property line in question.

An aerial photograph of a residential property with three buildings. The buildings are labeled '9 CHEYNE ST', '7 CHEYNE ST', and '5 CHEYNE ST' from left to right. A fourth building is partially visible on the right, labeled '3 CHEYNE ST'. The property is bounded by a street labeled 'CHEYNE ST' at the bottom. Red arrows and text indicate setbacks: '11 ft. 4 in.' between the first and second buildings, and '6 ft. 4 in.' between the second and third buildings. The property is surrounded by trees and a dirt area.

The side setback requirement in the GR (General Residential) Zoning District is 8 ft.

As shown in the graphic above there appears to be sufficient space on the property to meet setback standards without the granting of a variance.





As noted from the dates above, there was a significant span of time between May 2011 and the January 2012 when the application for the Board of Appeals was received by the Planning Department. During this time, staff worked with the applicant to resolve the issue before proceeding to the Board of Appeals. Actions taken were as follows:

1. The Youth Academy was going through a change in personnel and asked for additional time to reorganize and get certain business affairs in order.
2. Staff directed the applicant to have a survey done in order to determine the accurate location of the side property line in relation to the mobile home placed on the property. The Survey was done and it was determined that there was a side setback issue. Staff directed the applicant to move the mobile home or apply for a variance.
3. Prior to the Christmas Holidays, the applicant informed staff that they had a prospective buyer for the mobile home which would result in the home being removed from the parcel. Staff again gave the additional time. The sale of the home did not occur prior to the Board of Appeals application dealing for the February 2012 meeting; therefore the applicants chose to file for a variance to reduce the side yard setback.

As noted by the series of actions above, Staff has continuously worked with the applicant to remedy this situation prior to coming before the Board.

### **III. THE REQUEST**

The applicant is requesting a 1 ft. 8 in. side setback variance to reduce the side setback requirement from 8 ft. to 6 ft. 4 in. in order to allow a 24 ft. x 80 ft. mobile home to remain on a parcel that is approximately 93 ft. wide at its narrowest point by 101 ft. deep.

### **IV. FOUR-PART TEST**

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property.*
  - *There are no extraordinary conditions pertaining to this property. It is of a similar size and shape to the surrounding parcels, and there is room to position a mobile home on the parcel in such a manner as to achieve setback requirements on both sides.*
2. *These conditions do not generally apply to other property in the vicinity.*
  - *These conditions apply to the other properties on Cheyne St. All adjacent properties would be required to meet the same setback requirements. Furthermore, all properties are required to submit an application for a mobile home certification prior to placing a mobile home on a parcel. The certification process includes specific setback requirements for placement of a mobile home on a parcel.*

**3. *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.***

- *The mobile home cannot remain on the parcel as it is currently located, without issuing a variance for the side setbacks. However, it is feasible to move the mobile home so that the setbacks are met. Therefore the application of the ordinance does not unreasonably restrict placement of the mobile home on this property.*

**4. *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.***

- *Setbacks are established in order to create a uniform placement of homes in a community, and to afford privacy between residential dwellings. Authorizing a variance on this parcel will reduce the distance between adjacent mobile homes from 16 feet to 14 feet 4 inches, thereby potentially impacting the aesthetics of the neighborhood and privacy factors from both of the adjacent residences.*

**V. STAFF RECOMMENDATION**

Staff recommends denial of BOA-12-02.

**VI. DRAFT MOTIONS for BOA-12-02**

- A.** I move that the Sumter Board of Appeals approve BOA-12-02 subject to the findings of fact and conclusions contained in the draft order dated February 8, 2012, attached as Exhibit 1.
- B.** I move that the Sumter Board of Appeals deny BOA-12-02 on the following findings of fact and conclusions:

**VII. ZONING BOARD OF APPEALS – FEBRUARY 8, 2012**

The Sumter City-County Board of Appeals at its meeting on Wednesday, February 8, 2011, voted to approve this request subject to the findings of fact and conclusions as shown on Exhibit 1.

**Exhibit 1**  
**Order on Variance Application**  
**Sumter Board of Appeals**

**BOA-12-02, 7 Cheyne St. (City)**  
**February 8, 2012**

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Date Filed: February 8, 2012

Permit Case No. BOA-12-02

The Board of Zoning Appeals held a public hearing on Wednesday, February 8, 2012 to consider the request of The Youth Academy, 1170 Brewington Rd. , Sumter, SC 29153 for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

There is room on the parcel in question to place a mobile home and meet the side setbacks for the zoning district.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

Adjacent parcels have existing homes that are grandfathered with regards to their location. However, if a new residence were to be constructed or a new mobile home placed on a parcel in this vicinity, proper certifications and permits would be required for them as well.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:

The \$400 to \$600 dollars it would take to move the property line 18" could be better served in the community.

4. The Board concludes that authorization of the variance ☐ **will** - ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

Granting a variance on this parcel will allow the mobile home to remain only 6 feet, 4 inches from the property line, placing it too close to the adjacent residence and potentially harming the aesthetics of the district and the privacy of both neighbors.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** –☒ **GRANTED**,  
**subject to the following conditions:**

Approved by the Board by majority vote.

Date issued: \_\_\_\_\_

\_\_\_\_\_  
Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.**